

REMARKS

Claims 22-30 are pending in the application. Claims 22-30 remain in the application without amendment.

Claims 22-30 stand rejected under 35 USC 102(a) as being anticipated by Hilsenrath (USPN 6,026,304). Applicant respectfully traverses this rejection.

In rejecting independent claims 22, 25, and 28, the Examiner asserts that the cited reference teaches at column 9, line 53, through column 10, line 10, and figure 4, "determining whether the mobile has reported position information." Upon careful reading of the disclosure at the cited passage, the disclosure teaches a mobile that originates signals at an unknown location and a base station that receives the signals. The base station then determines the signal signature, and then compares the signal signature with the calibrated signal signatures stored in the database during the calibrations procedure. From this comparison, a set of likely locations is selected from the database. In contrast, the combination defined by the claim includes, among other things, "determining whether a mobile station has reported position information," which is not taught by the cited reference that describes only that the mobile originates signals from which a set of locations is determined by the base station. Thus, claims 22, 25, and 28 are patentably distinguishable over the cited reference.

Furthermore, the Examiner asserts that the cited reference teaches at column 6 line 6-17, column 11, lines 37-56, and figures 11A-B, "determining the number and the direction of beams using information supplied from a predetermined multi path database according to the position information." Upon careful reading of the disclosure at the cited passage, the disclosure teaches an antenna array having a plurality of antennas, and updating the database of calibrated signal signatures. In contrast, the combination defined by the claim includes, among other things, "when the mobile station has reported the position information, determining the number and the

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direction of beams using information supplied from a predetermined multipath database according to the position information" which is not taught by the cited reference that describes only an antenna array and updating a database. Thus, claims 22, 25, and 28 are patentably distinguishable over the cited reference for this additional reason.

Accordingly, the rejection of independent claims 22, 25, and 28 under 35 USC 102(a) should be withdrawn in the next Office action. Also the rejection of independent claims 23, 24, 26, 27, 29, and 30 should be withdrawn in the next Office action at least by virtue of their dependency on allowable claims 22, 25, and 28. If this rejection is maintained in the next Office action, Applicant respectfully requests a pinpoint cite to the column and line number of the reference for the missing teachings.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: 3/22/04

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